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1646

PATENT

Atty. Docket No. CRP-137
(2054/106)

#7
M.J.
5/22/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Rueger, et al.

SERIAL NO.: 08/822,186

GROUP NO.: 1812

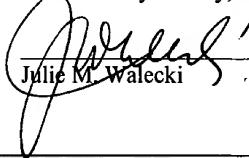
FILED: March 20, 1997

EXAMINER: D. Romeo

TITLE: Improved Osteogenic Devices and Methods of Use Thereof for Repair of Endochondral Bone and Osteochondral Defects

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10

I hereby certify that this correspondence, and any documents referred to as enclosed therein, is/are being deposited with the United States Postal Service as Express Mail Mailing Label No. EM400951231US, addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on this 11th day of May, 1998.


Julie M. Walecki

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

MAY 18 1998

Sir:

MATRIX DOCUMENTS
SERVICE CENTRE

AMENDMENT TRANSMITTAL

05/14/1998 ABRITT 00000004 08822186

01 FC:215 1. Transmitted herewith is an amendment for this application.

\$5.00 D

~ 2. A verified statement that this filing is by a small entity.

NOTE: If an original verified statement and a refund request is filed within two months of the date of payment of a fee, then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

(check and complete applicable items)

is attached.

A separate refund request accompanies this paper.

was filed on May 14, 1997 (original)

EXTENSION OF TIME

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- if a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

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If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

a. Applicant petitions for an extension of time under 37 CFR 1.136
(fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

Extension (months)	Fee for other than <u>Small Entity</u>	Fee for <u>Small Entity</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,510.00	\$755.00

Fee \$ 55.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for _____ months has already been secured and the fee paid therefor of \$ _____ s deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 55.00

or

b. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for petition and fee for extension of time.

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FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMEND.		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDT. FEE	OR	RATE	ADDT. FEE
TOTAL	48	MINUS	48	= 0	x 11 =	\$		x 22 =	\$
INDEP.	6	MINUS	6	= 0	x 41 =	\$		x 82 =	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 135 =	\$		+ 270 =	\$
					TOTAL ADD. FEE	\$ 0		TOTAL ADD. FEE	\$

* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims original filed.

(complete (c) or (d) as applicable)

c. No additional fee for claims is required.

or

d. Total additional fee for claims required \$ _____

FEE PAYMENT

5. Attached is a check in the sum of \$ 55.00

Charge Account No. 20-0531 the sum of \$ _____

A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period was expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

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6. If any additional extension and/or fee is required, charge Account No. 20-0531.
AND/OR
 If any additional fee for the claims is required, charge Account No. 20-0531.

Respectfully submitted,

Date: May 11, 1998
Reg. No. P-41,670

Tel. No. (617) 248-7861
Fax: (617) 248-7100

Jerrie L. Chiu
Jerrie L. Chiu
Attorney for Applicants
Testa, Hurwitz, & Thibeault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

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